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March 5, 2010

Via ECF

The Honorable Stanley R. Chesler
United States District Court - District of New Jersey
50 Walnut Street - Room 417
Newark, NJ 07101-0999

Re: *Sperry Associates Federal Credit Union v. Cumis Insurance Society, Inc.*, Case No. 10-CV-00029
SDMA File No.: 00480-006356

Your Honor:

The undersigned is counsel of record for defendant Cumis Insurance Society, Inc. ("Cumis") in the above captioned matter. Cumis filed a Motion to Dismiss or Stay on February 16, 2010 based on a first-filed action pending in the United States District Court Western District of Wisconsin. On March 1, 2010, plaintiff filed an opposition to this motion as well as a document styled as a "cross-motion" seeking entry of a default against Cumis.

Because the cross-motion seeks the ultimate remedy – to win this case through an alleged default – Cumis wishes to take it seriously, no matter how meritless Cumis believes it to be. Accordingly, this appears to be precisely the situation contemplated by Local Civ. Rule 7.1, which permits the non-moving party to request additional time to respond to a cross-motion. Simply put, Cumis should not be forced to oppose a motion, which essentially seeks to win the entire case through an alleged default, on a greatly accelerated time frame. Accordingly, Cumis respectfully requests until March 15, 2010 to respond to the cross-motion – considerably less time than would be provided for a normal motion, but more time than provided by the greatly accelerated time frame for a cross-motion. Opposing counsel Kenneth J. Pagliughi, while obviously disagreeing with Cumis regarding the merits of the cross-motion, has consented to Cumis's request to extend the date for Cumis's opposition to March 15, 2010.

Respectfully submitted,

/s/ Arthur Aizley

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